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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-ninth session
Item 9 of the provisional agenda

THE ADMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS OF DETAINEES

Written statement submitted by the American Association of Jurists, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[31 July 1997]

Introduction

1. The report by Mr. Joinet in his capacity as Special Rapporteur (E/CN.4/Sub.2/1997/20) makes significant improvements on the 1996 report. The main improvement concerns the fact that the idea of "reference period" has been abandoned, thereby recognizing that impunity is a phenomenon that can occur at any time and in any place. There are, however, still some shortcomings and omissions that need to be pointed out.

I. THE PRINCIPLES SET FORTH

2. Principle 1. The words "and every person" should be inserted after the words "Every people". The right to the truth must relate to the circumstances of all human rights violations, and not only a consistent pattern of gross violations or the perpetration of aberrant crimes. The relevant part of the text should thus read: "... which led to the violation of human rights", deleting the reference to a "consistent pattern of gross violations" and to "aberrant crimes".

3. Principle 2. There is not only the duty to remember but also the right to remember - which, besides the rejection of revisionist interpretations of objectively verified historical facts, includes the right to investigate and to publicize facts which have been concealed or distorted by the official version of history. The text should add: "The right to remember, which consists in the right to investigate and publicize facts which have been concealed or distorted, shall also be guaranteed."

4. Principle 3. Add the sentence: "The right to know the truth is imprescriptible."

5. Principle 4. The following text is proposed (so as not to suggest that taking appropriate action is a monopoly of the State and contingent upon the failure of the justice system to perform its functions): "Priority measures to give effect to the right to know the truth shall include establishing extrajudicial commissions of inquiry and ensuring the preservation of, and access to, the archives concerned. These are not only obligations of the State but a right of civil society."

6. Principles 5 to 12. While these principles attach great importance to extrajudicial commissions of inquiry, they do not mention four main aspects that would help a commission of inquiry to function effectively: (a) the obligation of the State to make all existing documentation available to the commission; (b) the power to search any place the commission deems appropriate; (c) the power to seize documents; and (d) the power to compel the appearance of witnesses by means of the forces of law and order and their legal obligation to testify. These four points should be incorporated into the principles relating to the commissions of inquiry. Thus, principle 9 (a), which states that the appearance of witnesses is voluntary, should be deleted. If such appearance is voluntary, it is most unlikely that a person suspected of having committed violations would attend a commission of inquiry. There is also no mention in principles 5 to 12 of the possibility of setting up an international commission of inquiry, as in the case of El Salvador. A sentence to that end should be included. Principle 11 would allow the commissions to make recommendations, but this goes beyond the terms of reference of a commission of inquiry and is more a matter for the popular organizations, political parties and organs of the State. Principle 11 should be deleted.

7. Principle 13. Third countries in possession of archives should not be "invited" to restore them, but must have the obligation to do so. Instead of "Third countries ... are invited to cooperate", the sentence should read: "Third countries ... shall cooperate". The last sentence, after the words "misappropriation of archives", should read: "or their destruction with a view to preserving the impunity of the violators, or misappropriation of archives with a view to negotiating payment for them".

8. Principle 14. The first sentence should read: "Measures shall be taken to place each archive centre under the responsibility of a specifically designated person or commission" (adding the words "or commission").

9. Principle 15. The cooperation of third countries in possession of archives must be obligatory. The text should therefore read: "including those held in third countries, which shall cooperate to this end".

10. Principle 16. The first sentence should be expanded to read: "Access to archives shall be facilitated, in the interests of the victims, their relatives and legal representatives, and of historical research ...".

11. Principle 20. The last sentence should be replaced with the following: "Any person or institution having reliable knowledge of the facts shall be able to institute criminal proceedings by filing a complaint." The requirement that a non-governmental organization filing a complaint must show proof of long-standing activities for the protection of the victims concerned has no legal basis whatsoever. In the exercise of the public right of action, what matters is not the "curriculum vitae" of the complainant, but the seriousness, accuracy and credibility of the complaint.

12. Principles 21 to 25. The conditions for the intervention of a foreign court are formulated in very vague terms, yet there are clearly established principles both in international law and in domestic law: (a) in international law, the principle of universal jurisdiction is established in international treaties; and (b) in domestic law, a derogation from the principle of the territorial application of the criminal law may be made when, although the violation has occurred outside a State's territory, the perpetrator or the victim is a national of that State. In particular, principle 25 ("States may take ... measures in their internal legislation to establish extraterritorial jurisdiction") may lead one to think that the principle allows the court of one country to try an alien for offences alleged to have been committed outside the territory of that country, without a treaty establishing universal jurisdiction and without the victim or the perpetrator being a national of the State of the court claiming jurisdiction. Furthermore, principle 25 may give the impression that it authorizes a State to abduct a person on foreign soil in order to try him in its own courts (case of the Mexican Alvarez Machain, brought before the Inter-American Commission on Human Rights: American Association of Jurists v. United States). The jurisdiction and rules of procedure of an international criminal court will be specified by the international instrument establishing the court. It is obvious that the court will respect the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. Accordingly:

(a) The last sentence of principle 21 should be deleted;

(b) Principle 22 should be deleted as it is superfluous;

(c) Principle 23 should be amended to read: "... establishing a rule of extraterritorial jurisdiction under the international law in force";

(d) Principle 25 should be deleted.

13. Principle 34. Ordinary offences committed by military personnel - and not only serious human rights violations - must come under the jurisdiction of

the ordinary courts. It is therefore suggested that the last clause of principle 34, beginning with the words "excluding human rights violations ...", should be deleted.

14. Principle 35. The principle of the irremovability of judges is a fundamental achievement of the constitutional State. However, it is not absolute: judges may be removed from office on the grounds specified and following the procedures established in the Constitution and the law. An international declaration of principles cannot propose remedying one form of arbitrariness - according to a non-existent principle of parallelism - with another form of arbitrariness. Principle 35 should therefore be deleted.

15. Principle 36. The obligation to make reparation must be a joint and several obligation of the State and of the direct perpetrator or perpetrators, accomplices and accessories to the violations. It is therefore suggested that the text of this principle should be amended to read: "Any violation of a human right shall entitle the victim and/or his beneficiaries to claim reparation jointly and severally from the State and from the perpetrators, accomplices and accessories to such violations".

16. Principle 37. The words "or their beneficiaries" should be inserted after the words "all victims".

17. Principle 43. The text should be amended to read: "Whether or not the perpetrators of disappearances have been identified, prosecuted and tried, there exists the imprescriptible obligation to elucidate the fate of the victims and to inform the families. Should the victim have died, the body shall be returned to the family as soon as it has been identified".

18. Principle 50. The last sentence should be deleted for the reasons given with reference to principle 35.

II. PRINCIPLES TO BE ADDED

19. The following principles should be added:

(a) The judiciary must be independent and impartial. There must be no special courts or ad hoc tribunals. The independence of the judiciary from the administrative power must be stipulated and guaranteed in the Constitution and respected in practice. The conformity of judgements with the law implies their conformity with the fundamental norms of international human rights law. The independence and impartiality of the justice system must also be guaranteed by the publicity of proceedings and judgements. Judges and lawyers must be free from any pressure, threats or persecution;

(b) The prosecution service must be independent from the administrative power;

(c) Efforts must be made to promote the universalization and refinement of international norms, instruments and mechanisms. This means that:

(i) All States must sign and ratify the covenants, protocols and conventions and must recognize the competence of the committees to receive complaints, where this is provided for by the covenants;

(ii) Optional protocols to the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and the International Covenant on Economic, Social and Cultural Rights must be elaborated and adopted to establish complaints procedures;

(iii) The existing procedures within the United Nations system and in the regional systems must be improved with a view to ensuring effective protection of human rights;

(d) Freedom of the press must be guaranteed. Freedom of the press entails democratic and transparent management of the media and the obligation to report objectively and impartially. The dissemination of false information constitutes a violation of the right to receive information, as enshrined in article 19 of the Universal Declaration of Human Rights;

(e) Lastly, the following are prerequisites for dealing with impunity:

(i) The democratization of society in political, economic, social and cultural terms;

(ii) Popular participation, by which is meant the active and conscious involvement of individuals and groups in taking decisions on all matters affecting them directly or indirectly, in defining goals and means of achieving them, and in implementing the decisions taken and evaluating the results; and

(iii) Observance of the right of peoples to self-determination.

20. In addition, principles relating to extraterritorial or transboundary violations of human rights should be included. The report ignores the question of impunity for transboundary or extraterritorial violations of human rights committed by a State or its agents in the territory of another State through armed aggression, infiltration of agents to commit murder or acts of terrorism, promotion of coups d'état, etc. It also fails to mention the question of impunity for human rights violations committed during colonial or neocolonial wars against various peoples. Nor does the report deal with the question of impunity for human rights violations committed in the course of operations authorized by the United Nations Security Council (international human rights violations, for example, in Somalia or during the Gulf War). Consequently, the report does not address the issue of reparation (moral and material) for the victims of transboundary and international violations of human rights.

21. The following principles should therefore be added to those contained in the report:

(a) The principles laid down in this set of principles and the principles relating to the international responsibility of States apply to cases of extraterritorial or transboundary violations of human rights;

(b) The principles laid down also apply to violations of human rights which are committed in the course of operations carried out or authorized by the United Nations. Such violations create responsibility on the part of the United Nations and of the persons who committed them and/or of those who authorized the violations or who failed to prevent them when they could have done so. The United Nations has the obligation to compensate the victims and/or their beneficiaries and must ensure that those responsible are brought to justice in the country of their nationality or pursuant to the principle of universal jurisdiction.

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Item 2 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Written statement submitted by the International Federation of Human Rights Leagues, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[1 August 1997]

1. The International Federation of Human Rights Leagues (FIDH) and its affiliated organization, the Mexican League for the Defence of Human Rights, are most concerned about the serious deterioration in the human rights situation in Mexico during the past three years and, in particular, by the harassment of human rights workers.

2. In April 1997, FIDH carried out a human rights observer mission to Mexico. Despite advance notification by the Ministry of Foreign Affairs through the diplomatic channel, the Mexican Immigration Department expelled two of the observers participating in the mission, claiming that their visas were not in order.

3. FIDH and the Mexican League for the Defence of Human Rights are extremely concerned at this change in Mexican foreign policy, which, since there have been other cases of expulsion, is a clear attempt to hinder international human rights monitoring.

4. There are serious restrictions on implementation of the International Covenant on Civil and Political Rights in Mexico, and the Mexican Government is resorting to mechanisms designed to suppress political opposition and social action movements.

5. There has been a significant increase in the militarization of Mexico since the appearance of the Ejército Zapatista de Liberación Nacional (EZLN) in 1994 and the Ejército Popular Revolucionario (EPR) in 1996. At present, there is an increased military presence in 23 of the country's 31 states, especially in the indigenous communities.

6. In 1995, the National Public Security Coordination Office was established and responsibility for public security was vested in the Armed Forces. This interference by the military in civilian affairs has increased and, at present, 75 per cent of police officers are under the supervision of high-level army officers. In cities, soldiers are being used interchangeably with the civilian police. The army has emerged from its barracks and has occupied various rural and indigenous communities in Mexico. This increased militarization of civil society has been accompanied by an increase in the number of complaints of human rights violations by soldiers.

7. The militarization of Mexican society has resulted in restrictions on the right to freedom of movement and of association, threatened the electoral process and, at its worst, terrorized the population. Peasants often flee their communities and cease to cultivate their land. This military presence is unconstitutional since there is no state of emergency, whether as a result of national disaster or of internal unrest, to justify army intervention.

8. As a result of the Government's economic policy, 10 million indigenous people are living in extreme poverty. The country's economic model is widening the gap between rich and poor, and the fact that 37.2 million Mexicans are living in poverty or extreme poverty means that increased numbers of people are being marginalized.

9. The Committee on the Elimination of Racial Discrimination, at its forty-seventh session, stated that this situation of extreme poverty and marginalization of indigenous communities was a matter of concern and that the pervasive discrimination being suffered by the 56 indigenous groups living in Mexico fell directly under the definition of racial discrimination given in article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination. Nevertheless, the Government of Mexico continues to describe their plight as an unequal participation in the country's social and economic development.

10. Reforms of the Constitution and the Penal Code have legalized human rights violations. More stringent laws have been adopted, including the Federal Act against Organized Crime, which was adopted in 1996. These reforms authorize wire-tapping and the admission as evidence of statements made to a representative of the Public Prosecutor's Office, often under pressure and in situations where the accused's lawyer is present but is not permitted to carry

out his functions. The Prosecutor's Office has been given discretionary power to request denial of bail. Persons captured flagrante delicto may be arrested without a warrant, and the accused's property may be seized unless he can prove legal ownership; in practice, this means that all arrested persons are guilty until proved innocent.

11. In 1996, increased political repression, primarily against members of the Partido de la Revolución Democrático (PRD), the Ejército Zapatista de la Liberación Nacional (EZLN) and other opposition organizations, was accompanied by an increase in the arrest and disappearance of individuals. Over 450 PRD militants have been murdered since 1988.

12. Paramilitary groups known as "white guards" attack members of the opposition and indigenous persons with the support and/or tolerance of the authorities. Many of their crimes are never investigated or punished. This encourages greater impunity and weakens State responsibility.

13. The Latin American Federation of Associations of Relatives of Disappeared Detainees has stated that, during its visit to Mexico, it received reports of 150 cases of disappeared detainees, most of whom had been released, within a few days, with marks of torture. In 1996, FIDH and the Mexican League for the Defence of Human Rights received 674 reports of illegal detention and 449 reports of arbitrary search without a warrant or presentation of official identification of any kind; in some cases, the detainees were taken to clandestine prison cells and tortured.

14. According to the annual report of the Centro de Derechos Humanos Fray Francisco de Vitoria (Father Francisco de Vitoria Centre for Human Rights), in 1996, torture and cruel, inhuman and degrading treatment were the primary subjects of the complaints of human rights violations which were received, followed by extrajudicial execution; most of the victims were activist members of political and social organizations.

15. The Committee against Torture, at its eighteenth session, confirmed that torture continued to be systematically practised in Mexico as a result, inter alia, of the impunity of torturers and the persistent admission of confessions and statements made under torture as evidence during trials. The Committee noted that the failure by the authorities responsible for criminal investigation to investigate reports of torture promptly and impartially constituted a violation of articles 12 and 13 of the Convention against Torture.

16. As regards administration of justice, impunity is virtually total. The average impunity rate is approximately 96 per cent in Mexico City during the current decade, according to the Federal District Human Rights Committee.

17. An investigation carried out by Causa Ciudadana documented 429 attacks on journalists in Mexico between December 1994 and June 1997. Of these victims, 11 were murdered (8 because of their professional activities and 3 for seemingly unrelated reasons), over 125 were physically assaulted and 9 were abducted. Legal proceedings were taken against 74 print and media journalists, and there were 74 cases of censorship. Another 38 journalists were threatened, 27 were subjected to confiscation of their working materials, 24 were intimidated, 18 were arrested, 12 were attacked, 9 were harassed and 7 disappeared.

18. Recently, there have been a series of attacks on non-governmental organizations (NGOs), including the Coordinadora de Organismos No Gubernamentales por la Paz (Coordinating Body of Non-Governmental Organizations for Peace), located in San Cristobál de la Casas, Chiapas; the Centro de Derechos Humanos Miguel Agustín Pro (Miguel Agustín Pro Centre for Human Rights), the Equipo Pueblo (People's Team); Greenpeace; the Asociación Nacional de Abogados Democráticos (National Association of Democratic Lawyers); Alianza Cívica (Civic Alliance); and the Comisión Mexicana para la Defensa y Promoción de los Derechos Humanos (Mexican Commission for the Defence and Promotion of Human Rights). Those responsible have not been punished.

19. The Mexican Government's Office of the Secretary of Foreign Affairs has systematically dismissed the reports of international NGOs and has requested further information on cases sent by Mexican NGOs, requiring them to verify the information provided and arguing that their information was vague and, in many cases, biased and fraudulent. This means that anyone requesting action by those responsible for prosecutions and the administration of justice must have proof in hand.

20. The Mexican Government argues that acceptance of the jurisdiction of international legal instruments weakens State sovereignty. Both FIDH and the Mexican League for the Defence of Human Rights call on the Mexican Government to meet its international commitments, accept the jurisdiction of international human rights instruments and withdraw its reservations to covenants and conventions, thereby demonstrating Mexico's willingness to expand its guarantees of the rights in question.

21. For this reason, FIDH and the Mexican League for the Defence of Human Rights call upon the Sub-Commission to condemn human rights violations in Mexico.

22. Furthermore, FIDH and the Mexican League for the Defence of Human Rights urge the Government of Mexico to implement the recommendations adopted by the Committee on the Elimination of Racial Discrimination and the Committee against Torture at their forty-seventh and eighteenth sessions, respectively, as quickly as possible.

23. In view of this serious and systematic violation of human rights, we request the Sub-Commission to ask the Commission at its fifty-fifth session to appoint a special rapporteur to prepare a report on human rights violations in Mexico.

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[5 August 1997]

Human rights violations in the Republic of Croatia
in the period January-July 1997

1. The International Federation for Human Rights (FIDH) and its member organization, the Civic Committee of Human Rights in Zagreb (CCHR) wish to draw the Sub-Commission's attention to the flagrant and systematic violations of human rights in Croatia, in particular concerning the return of refugees, the administration of justice, and freedom of expression.

2. The following information is based on the work of CCHR offices (in Zagreb, Porec, Karlovac and Sibenik), on facts gathered during regular visits to villages in the Krajina region, on exchange of data and information among similar organizations and on facts published in independent newspapers (such as Feral Tribune, Arkzin and Novi List).

Return of refugees

3. Whereas the Croats* who were expelled from Krajina or fled that country in 1991 are not, to our knowledge, victims of any major violation of fundamental human rights, such is not at all the case for Serb* returnees who fled Krajina in 1995 after the military action "Storm" carried out by the Croatian army. By April 1997, only a small number (around 2,000) of, mostly elderly, people had managed to return, with great administrative difficulties. After April 1997 and the agreement between Croatian President F. Tudjman and the head of the United Nations Transitional Administration J. Klein was signed at the end of March, Serbs who fled Krajina in 1995 for Eastern Slavonia started to return in greater numbers.

4. Many returnees find their houses either demolished or occupied by Croat refugees from Bosnia or by the retired members of the Croatian army who obtained them through the provisions of the Law on Temporary Takeover and Administration of Certain Property (National Gazette, 73/95). This law, which allows "lawful" takeover of private property from its legal owners, is contrary to the Croatian Constitution and to international agreements signed and ratified by Croatia.

5. Two persons, at least, were killed, and many were injured in trying to get into their houses, where, before their return, a "surprise mine" had been placed. Some houses were burnt down before the return of their owners. One house was hit by a missile immediately before the return of its owners; missiles can only be possessed by the army.

6. To our knowledge, none of these cases have been prosecuted, although some of the perpetrators are known to the entire village. This is due to the Law on Status of Refugees and Displaced Persons (National Gazette, 39/95),

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* Of course, CCHR does not divide Croatian citizens into Croats and Serbs, but, unfortunately, human rights in Croatia are usually violated according to ethnic principles.

which states that refugees or displaced persons who occupy other peoples' residences, even if it is by forcible evictions, cannot be prosecuted before the court.

7. Furthermore, returnees whose houses have not been destroyed are not even able to approach their houses owing to brutal threats by the people, usually armed, who have occupied them. Returnees (Serbs) as well as those who gave them shelter, have been beaten up, ill treated and, in one case, killed by those occupying their houses (for example in Plasko and in Hrvatska Kostajnica). The police do not interfere, claiming that these occupations are legal according to the Law on Temporary Takeover and Administration of Certain Property. Local politicians and State media gave support to these acts. Later, legal proceedings were started against 10 perpetrators, as a result of pressure from the international community.

8. Although the Law on Temporary Takeover and Administration of Certain Property guarantees the right to equal treatment, the Government of Croatia does not provide any kind of help to Serb returnees, nor to the Serbs who did not escape in 1995. Their cattle and agricultural machinery have been taken away or disappeared after the "Storm" action and their houses have been destroyed or damaged. However, to our knowledge, there is no example of Serb returnees obtaining a loan for the restoration of their houses. The Government of Croatia claims it is under no obligation to provide help to those Serbs (Croatian citizens of Serb ethnic origin) who came back to Croatia before the Tudjman-Klein agreement or without the consent of the Croatian Office for Refugees and Displaced Persons. Neither does the Law on Temporary Takeover and Administration of Certain Property regulate the return of Croatian Serbs who did not escape to Eastern Slavonia, but elsewhere (Serbia, Bosnia). President Tudjman stated publicly that they would be allowed to return only exceptionally.

9. The Government of Croatia also has the objective of occupying the empty houses of Serb refugees with Croats from Kosovo, who did not escape, but were invited by the Government of Croatia. Likewise, the Government gives away such houses to Croats who escaped from Bosnia to European countries, so that they can settle down in Croatia.

Administration of justice

10. Regarding the administration of justice, many violations of human rights continue to occur:

Employees in the State Prosecution Office have been dismissed on the basis of ethnic principles. Six prosecutors have been dismissed, all of them Croatian Serbs.

Murderers have been released without completing their sentences. For example, A. Gudelj, responsible for a series of murders, among others that of the head of the Osijek police in 1991, has been released by the Osijek court under the Act on Abolition, although this law does not cover such crimes.

Innocent persons have been sentenced. Such is the case of a Serb, M. Horvat, in Osijek, who has been sentenced to five years in prison for genocide of Croats in Baranja in the period 1991-1994, although it has been proved that after 1991 he was not in Baranja but worked in Germany.

Some people have been detained for more than 18 months without any notification of charges, in particular in Split, in the military prison "Lora".

People who had previously been released under the Act on Abolition have been detained for six months, without any additional evidence (CCHR registered eight cases in Karlovac).

A large number of valid court decisions are never implemented. Among all the persons who have been to court because they had been evicted from their residence by the Croatian army, and who have obtained a valid court decision enabling them to return to their property, no one has ever obtained the implementation of the decision. People who have been dismissed from work, for example in the Tax Office in Donji Miholjac, and who have obtained valid court decisions on the reversal of their dismissal, are still unemployed.

Cases of summary execution perpetrated by the Croatian army are not investigated. For instance, a crime in Pakracka Poljana, which was allegedly committed by T. Mercep, a former HDZ (Hrvatska Demokratska Zajednica) member of Parliament, and a crime in Gospic allegedly committed by T. Oreskovic, head of Perusic municipality, have never been investigated.

Freedom of expression and the media

11. The Government has total control over television networks and most daily newspapers. Critics of the actions of the authorities or of the ruling party are portrayed in the media as enemies of Croatia. This is a harsh and dangerous accusation in the atmosphere of euphoria and paranoia which have been created by the media themselves.

12. The Feral Tribune, a satirical newspaper, has been sentenced for pornography, whilst real pornographic magazines owned by HDZ politicians are published undisturbed.

13. This is of course not a complete survey of the situation of human rights in Croatia. A lot more could be said, in particular about the huge numbers of unemployed, about the violations of the human rights of workers implied by the Law on Labour, about retired persons who receive pensions which do not enable them to survive.

14. Although the situation in Croatia has improved compared to the situation during the war from 1991 to the end of 1995, flagrant and massive violations of human rights continue to occur, in spite of the commitments of the Government, which is a party to most international human rights instruments

and a member of the Council of Europe. There is also a big difference between the public statements made by the Government, especially those of the Ministry of Foreign Affairs, and the real situation, in particular in Krajina.

15. FIDH and the Civic Committee for Human Rights call upon the Croatian authorities to bring the legislation into conformity with the international human rights instruments to which Croatia is a party, to guarantee that, in practice, these instruments - which, in accordance with article 134 of the Croatian Constitution, have primacy over domestic legislation - are enforced. They request the international community to push for the implementation of these instruments in Croatia.